

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COMMERCIAL STREET EXPRESS LLC,
NICOLE VANDER MUELEN, SHASTA
BURZYNSKI, and KATHLEEN COULLARD,

Plaintiffs,

v.

SARA LEE CORPORATION, COLGATE-
PALMOLIVE COMPANY, HENKEL CHEMIE
VERWALTUNGSGESELLSCHAFT MBH,
HENKEL CORP., UNILEVER N.V., UNILEVER
PLC, and UNILEVER UNITED STATES INC.,

Defendants.

Case No. 1:08-cv-1179

Honorable Virginia M. Kendall

**DEFENDANTS COLGATE-PALMOLIVE COMPANY AND HENKEL CORP.'S
MOTION TO DISMISS THE AMENDED CLASS ACTION COMPLAINT**

Defendants Colgate-Palmolive Company (“Colgate”) and Henkel Corp. (“Henkel”), by their attorneys and upon their Joint Memorandum in Support of Motion to Dismiss (“Joint Memorandum in Support”), join in the Motions to Dismiss filed by Unilever US (“Unilever”) on March 24, 2008, and by Sara Lee Corporation (“Sara Lee”) on May 1, 2008, and hereby move this Court for an Order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Class Action Complaint (the “Complaint”) in the above captioned action with prejudice.

In addition to the reasons set forth in the Unilever and Sara Lee Motions to Dismiss and Memoranda in Support, and as detailed in the Joint Memorandum in Support filed herewith, Plaintiffs’ Complaint fails because:

1. Plaintiffs cannot hold Defendants Colgate and Henkel liable for the alleged acts of their German affiliates;
2. Plaintiffs fail to state a claim for any violation of federal or state law;

3. The Court lacks subject matter jurisdiction over Count I, Count II, and Count III, because Plaintiffs do not sufficiently allege conduct in or affecting U.S. domestic commerce as required by the Federal Trade Antitrust Improvements Act of 1892, Pub. L. No. 97-290 § 402, 96 Stat. 1233, 1246 (codified at 15 U.S.C. § 6a);
4. Plaintiffs fail to allege cognizable claims under Pennsylvania and Idaho state laws.

WHEREFORE, Colgate and Henkel respectfully request that the Court dismiss Plaintiffs' claims against it and award such other relief as the Court deems just and proper.

Dated: May 1, 2008

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, David K. Callahan, an attorney, hereby certify that on May 1, 2008, I caused a true and correct copy of the foregoing **DEFENDANTS COLGATE-PALMOLIVE COMPANY AND HENKEL CORP.'S MOTION TO DISMISS THE AMENDED CLASS ACTION COMPLAINT** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

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